REMARKS

Claims 1 and 22 are independent and stand rejected under 35 U.S.C. § 102 as being anticipated by Shoji et al. '112 ("Shoji") and Horibe '148 ("Horibe"). These rejections are respectfully traversed for the following reasons.

In order to expedite prosecution, Applicants' representative initiated a telephone interview with Examiner Rivero. Applicants and Applicants' representative would like to thank Examiner Rivero for her courtesy in conducting the interview and for her assistance in resolving issues. As a result of the interview, it was agreed that the claims are patentable over the cited prior art, and that the application would be allowed pending an updated prior art search. A summary of the interview discussion follows.

The Examiner had maintained the pending rejections for the reasons discussed on the "Response to Arguments" section on page 2 of the outstanding Office Action. Specifically, the Examiner asserted that the cited prior art disclosed feedback loops and therefore read on claims 1 and 22. However, as discussed during the interview, claim 1 recites a "direct-current component extraction means for extracting direct-current component information of the reproduction signal ***from signals of the feedback loop***" (emphasis added). Claim 22 similarly recites "extracting a direct-current component information of the reproduction signal ***from signals of the feedback loop***" (emphasis added). Accordingly, even assuming *arguendo* Shoji and Horibe disclose feedback loops as relied on by the Examiner as a basis for maintaining the pending rejections, neither Shoji nor Horibe disclose or suggest an extracting configuration with the alleged feedback loop to enable the operational functionality made possible in claims 1 and 22.

Turning to Shoji, the Examiner alleges that elements 2 and 3 shown in Figure 1 of Shoji correspond to the claimed operational amplifier means and gain/offset control means, respectively. However, elements 2 and 3 of Shoji do not form part of a feedback loop as claimed. Rather, element 2 is simply connected to element 3 serially without feedback. To illustrate this difference between the present invention and Shoji, the Examiner is directed to an exemplary embodiment of a feedback loop including operational amplifier means 1 and gain/offset control means 6 shown in Figure 6 of Applicants' drawings.

In this regard, Shoji also fails to disclose or suggest a direct-current component extraction means for extracting direct-current component information of the reproduction signal from signals of the feedback loop. The alleged direct-current component extraction means in Shoji; i.e., capacitor C1; merely removes DC components and does not ***extract*** direct-current component information ***from signals of the feedback loop*** as there is no corresponding feedback loop in Shoji. The Examiner is again directed to Figure 6 of Applicants' drawings, which illustrates one exemplary direct-current component extraction means 32 which is connected to a point within the feedback loop defined, in this example, by elements 1, 8, 31 and 6.

Moreover, as the capacitor C1 of Shoji simply removes DC components rather than extract direct-current component ***information***, Shoji further does not suggest supplying "the direct-current component information as information indicating an asymmetry amount of the reproduction signal" as embodied by the present invention. That is, the capacitor C1 simply blocks the DC component from the signal, but does not extract direct-current component information to be ***supplied*** elsewhere.

Turning to Horibe, similarly to Shoji, the alleged direct-current component extraction means 101 is expressly positioned outside and "upstream" of the feedback loop defined by elements 1, 3, 4, 5, 6 and 8 (*see* Figure 20 of Horibe). Accordingly, element 101 does not extract direct-current component information of the reproduction signal ***from signals of the feedback loop***. Indeed, element 101 of Horibe does not receive signals from the feedback loop.

In addition, again similarly to Shoji, the alleged direct-current component extraction means 101 is simply a filter in which the "DC component is cut off" (paragraph 0009, lines 14-15) rather than an element which functions to extract direct-current component ***information***. It follows that Horibe does not suggest supplying "the direct-current component information as information indicating an asymmetry amount of the reproduction signal" as embodied by the present invention. That is, the filter 101 simply blocks the DC component from the signal, but does not extract direct-current component information to be ***supplied*** elsewhere.

As anticipation under 35 U.S.C. § 102 requires that each and every element of the claim be disclosed, either expressly or inherently (noting that "inherency may not be established by probabilities or possibilities", *Scaltech Inc. v. Retec/Tetra*, 178 F.3d 1378 (Fed. Cir. 1999)), in a single prior art reference, *Akzo N.V. v. U.S. Int'l Trade Commission*, 808 F.2d 1471 (Fed. Cir. 1986), based on the forgoing, it is submitted that Shoji and Horibe do not anticipate claims 1 and 22, nor any claim dependent thereon.

The Examiner is directed to MPEP § 2143.03 under the section entitled "All Claim Limitations Must Be Taught or Suggested", which sets forth the applicable standard for establishing obviousness under § 103:

> To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. (citing *In re Royka*, 180 USPQ 580 (CCPA 1974)).

In the instant case, the pending rejections do not "establish *prima facie* obviousness of [the] claimed invention" as recited in the pending claims because the proposed combinations fail the "all the claim limitations" standard required under § 103. It is noted that the Examiner does not rely on the secondary references to obviate the aforementioned deficiencies of Shoji and Horibe.

Under Federal Circuit guidelines, a dependent claim is nonobvious if the independent claim upon which it depends is allowable because all the limitations of the independent claim are contained in the dependent claims, *Hartness International Inc. v. Simplimatic Engineering Co.*, 819 F.2d at 1100, 1108 (Fed. Cir. 1987). Accordingly, as claims 1 and 22 are patentable for the reasons set forth above, it is respectfully submitted that all claims dependent thereon are also patentable. In addition, it is respectfully submitted that the dependent claims are patentable based on their own merits by adding novel and non-obvious features to the combination.

Based on the foregoing, it is respectfully submitted that all pending claims are patentable over the cited prior art. Accordingly, it is respectfully requested that the rejections under 35 U.S.C. § 102/103 be withdrawn.

CONCLUSION

Having fully and completely responded to the Office Action, Applicants submit that all of the claims are now in condition for allowance, an indication of which is respectfully solicited. If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, the Examiner is requested to call Applicants' attorney at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper,

including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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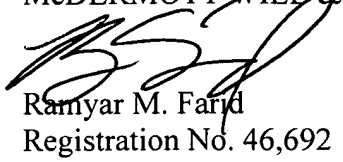

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